

1-1 By: Leo Wilson, et al. (Senate Sponsor - Sparks) H.B. No. 2399
1-2 (In the Senate - Received from the House May 19, 2025;
1-3 May 19, 2025, read first time and referred to Committee on Health &
1-4 Human Services; May 26, 2025, reported favorably by the following
1-5 vote: Yeas 8, Nays 0; May 26, 2025, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the requirements for certain court orders in a suit
1-20 affecting the parent-child relationship filed by the Department of
1-21 Family and Protective Services.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 263.002, Family Code, is amended by
1-24 adding Subsection (c-1) to read as follows:

1-25 (c-1) The court shall include in a separate section of its
1-26 order written findings describing with specificity the factual
1-27 basis for the court's determination under Subsection (c). Citing
1-28 the record of the proceedings or incorporating the record by
1-29 reference is insufficient to meet the requirements of this
1-30 subsection. This section of the court's order may not be admitted
1-31 into evidence in a final trial in a suit affecting the parent-child
1-32 relationship.

1-33 SECTION 2. Section 263.306, Family Code, is amended by
1-34 amending Subsection (a-1) and adding Subsection (a-2) to read as
1-35 follows:

1-36 (a-1) At each permanency hearing before a final order is
1-37 rendered, the court shall:

1-38 (1) identify all persons and parties present at the
1-39 hearing;

1-40 (2) review the efforts of the department or other
1-41 agency in:

1-42 (A) locating and requesting service of citation
1-43 on all persons entitled to service of citation under Section
1-44 102.009; and

1-45 (B) obtaining the assistance of a parent in
1-46 providing information necessary to locate an absent parent, alleged
1-47 father, relative of the child, or other adult identified by the
1-48 child as a potential relative or designated caregiver;

1-49 (3) ask all parties present whether the child or the
1-50 child's family has a Native American heritage and identify any
1-51 Native American tribe with which the child may be associated;

1-52 (4) review the extent of the parties' compliance with
1-53 temporary orders and the service plan and the extent to which
1-54 progress has been made toward alleviating or mitigating the causes
1-55 necessitating the placement of the child in foster care;

1-56 (5) review the permanency progress report to
1-57 determine:

1-58 (A) the safety and well-being of the child and
1-59 whether the child's needs, including any medical or special needs,
1-60 are being adequately addressed;

1-61 (B) the continuing necessity and appropriateness

2-1 of the placement of the child, including with respect to a child who
 2-2 has been placed outside of this state, whether the placement
 2-3 continues to be in the best interest of the child;
 2-4 (C) the appropriateness of the primary and
 2-5 alternative permanency goals for the child developed in accordance
 2-6 with department rule and whether the department has made reasonable
 2-7 efforts to finalize the permanency plan, including the concurrent
 2-8 permanency goals, in effect for the child;
 2-9 (D) whether the child has been provided the
 2-10 opportunity, in a developmentally appropriate manner, to express
 2-11 the child's opinion on any medical care provided;
 2-12 (E) whether the child has been provided the
 2-13 opportunity, in a developmentally appropriate manner, to identify
 2-14 any adults, particularly an adult residing in the child's
 2-15 community, who could be a relative or designated caregiver for the
 2-16 child;
 2-17 (F) for a child receiving psychotropic
 2-18 medication, whether the child:
 2-19 (i) has been provided appropriate
 2-20 nonpharmacological interventions, therapies, or strategies to meet
 2-21 the child's needs; or
 2-22 (ii) has been seen by the prescribing
 2-23 physician, physician assistant, or advanced practice nurse at least
 2-24 once every 90 days;
 2-25 (G) whether an education decision-maker for the
 2-26 child has been identified, the child's education needs and goals
 2-27 have been identified and addressed, and there have been major
 2-28 changes in the child's school performance or there have been
 2-29 serious disciplinary events;
 2-30 (H) for a child 14 years of age or older, whether
 2-31 services that are needed to assist the child in transitioning from
 2-32 substitute care to independent living are available in the child's
 2-33 community;
 2-34 (I) for a child whose permanency goal is another
 2-35 planned permanent living arrangement:
 2-36 (i) the desired permanency outcome for the
 2-37 child, by asking the child;
 2-38 (ii) whether, as of the date of the hearing,
 2-39 another planned permanent living arrangement is the best permanency
 2-40 plan for the child and, if so, provide compelling reasons why it
 2-41 continues to not be in the best interest of the child to:
 2-42 (a) return home;
 2-43 (b) be placed for adoption;
 2-44 (c) be placed with a legal guardian;
 2-45 or
 2-46 (d) be placed with a fit and willing
 2-47 relative;
 2-48 (iii) whether the department has conducted
 2-49 an independent living skills assessment under Section
 2-50 264.121(a-3);
 2-51 (iv) whether the department has addressed
 2-52 the goals identified in the child's permanency plan, including the
 2-53 child's housing plan, and the results of the independent living
 2-54 skills assessment;
 2-55 (v) if the youth is 16 years of age or
 2-56 older, whether there is evidence that the department has provided
 2-57 the youth with the documents and information listed in Section
 2-58 264.121(e); and
 2-59 (vi) if the youth is 18 years of age or
 2-60 older or has had the disabilities of minority removed, whether
 2-61 there is evidence that the department has provided the youth with
 2-62 the documents and information listed in Section 264.121(e-1);
 2-63 (J) based on the court's determination under
 2-64 Section 263.002, whether continued placement is appropriate if the
 2-65 child is placed in a residential treatment center; and
 2-66 (K) based on the court's determination under
 2-67 Section 263.00201, whether continued placement is appropriate if
 2-68 the child is placed in a qualified residential treatment program;
 2-69 (6) determine whether to return the child to the

child's parents in accordance with Section 263.002(c) [~~if the child's parents are willing and able to provide the child with a safe environment and the return of the child is in the child's best interest~~];

(7) estimate a likely date by which the child may be returned to and safely maintained in the child's home, placed for adoption, or placed in permanent managing conservatorship; and

(8) announce in open court the dismissal date and the date of any upcoming hearings.

(a-2) If the court determines under Subsection (a-1)(6) not to return the child to the child's parents in accordance with Section 263.002(c), the court shall include in a separate section of its order written findings describing with specificity the factual basis for the court's determination. Citing the record of the proceedings or incorporating the record by reference is insufficient to meet the requirements of this subsection.

SECTION 3. Section 263.002(d), Family Code, is repealed.

SECTION 4. The change in law made by this Act applies to a suit affecting the parent-child relationship that is pending in a trial court on the effective date of this Act or that is filed on or after the effective date of this Act.

SECTION 5. This Act takes effect September 1, 2025.

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